



To: Martha's Vineyard Commission

From: Paul Foley, DRI Coordinator, Martha's Vineyard Commission

Date: January 1, 2011

Re: 2010 Developments of Regional Impact – Island Wide

In 2010 the Martha's Vineyard Commission reviewed **33** new and old projects referred as either DRI's, Concurrence Reviews, Modifications, Extensions, or aspects of an already approved plan to be approved by LUPC. Of the **33** projects the Commission reviewed twelve (**12**) were full DRI's that were approved with conditions (**6** of those being modifications to previously approved or reviewed DRI's); **0** were denied; four (**4**) were modifications that were remanded back to their town as Minor Modifications to a previously approved DRI; three (**3**) were new Concurrence Reviews that were sent back to their town as a Non-Concurrence; two (**2**) were previously approved DRI's returning to LUPC or the MVC for some aspect of their plan to be approved before going forward; two (**2**) were projects that were granted extensions; and three (**3**) were either Concurrence Reviews or DRI's that were withdrawn before the MVC made a Decision. In addition to these twenty-six (**26**) projects that have been reviewed and decided upon there are seven (**7**) projects at the end of 2010 that are full DRI's that are still working their way through the DRI Process or are on hold at the Applicant's request.

### **MVC - DEVELOPMENTS OF REGIONAL IMPACT - Aquinnah 2010**

Of the **33** projects the Commission reviewed or were referred in 2010 **0** were in Aquinnah.

### **MVC - DEVELOPMENTS OF REGIONAL IMPACT - Chilmark 2010**

Of the **33** projects the Commission reviewed or was referred in 2010 one (**1**) was in Chilmark.

#### **1. Grey Barn and Farm (C.R. 3 -2010)**

#### **Non-Concurrence**

On Thursday July 22, 2010 the Martha's Vineyard Commission decided that the proposal by Molly and Eric Glasgow and The Trustees of Reservations to renovate the main barn and remove five barns and replace them by building four new barns (milking/dairy barn, utility, equipment and loafing barn) at 22 South Road, Chilmark (Map 11 Lot 51 {63.3 acres} and Lot 52 {5 acres}) was not significant enough to warrant a public hearing and voted not to concur that the proposal is a Development of Regional Impact.

In making its determination as to whether the creamery triggers the DRI Checklist, the Commission looked at two factors, the physical design and the land use. In considering the building's physical design the creamery is not visible from a public way, so they felt there is no regional impact and therefore no reason to consider the combined impact of the creamery and milking barn. In considering the creamery on its own it is more than 1000 and less than 2000 square feet, so even if it were to be considered commercial, the DRI referral would be "with concurrence". The Commission concluded, based on the specific circumstances of this application, that the creamery is a subordinate and incidental part of the overall agricultural operations. Also, in light of the commitments made about nitrogen management on the site the proposal does not appear to have any significant regional impacts. Therefore, the Commission remanded the referral back to the Town of Tisbury.

## **MVC - DEVELOPMENTS OF REGIONAL IMPACT – Edgartown 2010**

Of the **33** projects the Commission reviewed or were referred in 2010 five (**5**) were in Edgartown. Of the five (**5**) projects in Edgartown four (**4**) were full DRI's approved with conditions (one in early January 2010); zero (**0**) were denied; one (1) was a previously approved DRI returning to LUPC for some aspect of their plan to be approved before going forward.

### Referred and/or reviewed in **Edgartown in 2010:**

- |   |                                   |
|---|-----------------------------------|
| 1. <b>Morning Glory Farm Renovation</b> (DRI 620)     | - DRI Approved w/ Conditions      |
| 2. <b>Morning Glory Farm Landscape Plan</b> (DRI 620) | - Landscape Plan Approved by LUPC |
| 3. <b>Wavelengths Buildings</b> (DRI 623)             | -DRI Approved w/ Conditions       |
| 4. <b>Katama Airfield Hangar</b> (DRI 624)            | -DRI Approved as Presented        |
| 5. <b>Chasin Estate Plan</b> (DRI 625)                | -DRI Approved w/ Conditions       |

### **1. Morning Glory Farm Renovation (DRI 620) - DRI Approved w/ Conditions**

On January 7, 2010 the Martha's Vineyard Commission approved the application for a proposal by Simon Athearn and James A. and Deborah F. Athearn to remove parts of the existing Morning Glory Farm stand (Meshacket Road, Edgartown Map 28 Lot 224.1 {7.62 acres}) and then rebuild, reorganize, and expand the current commercial operation as a Development of Regional Impact with conditions.

The project was approved with the following conditions:

- As offered by the Applicant, the addition to the Farm Stand shall be a maximum of 26 feet tall, in accordance with regulations for the Roadside District DCPC.
- As offered by the Applicant, the exterior shall be clad with white cedar shingles on exposed walls and vertical vineyard pine sheathing on the exterior walls sheltered by the porches.
- As offered by the Applicant, the roof shall be shingled with architectural grade asphalt shingles that approximate the slate grey of the existing roofs.
- As offered by the Applicant, the trim shall be either natural weathered white cedar or pine painted silver-grey.
- As offered by the Applicant, when finances and planning time allow, the Applicant shall proceed with plans for solar hot water heaters to preheat water going to the boiler.
- As offered by the Applicant, the proposed retail greenhouse shall have an old-fashioned, glass house look with a mechanical roof vent. The three foot sidewalls/foundation shall be native field stone.
- As offered by the Applicant, the applicant shall return to the LUPC for approval of a detailed landscape plan before the Certificate of Occupancy is issued.
- As offered by the Applicant, existing shrubs around the farm stand within the footprint of the extension shall be dug up and those that survive shall be replanted around the farm stand.
- As offered by the Applicant, all the trees in the vicinity of the farm stand that are not directly in the way of excavation for the cellar shall be retained.
- As offered by the Applicant, six trees within or close to the footprint of the extension will be removed. The 4 trees in the new parking area (formerly near greenhouse 1) will be retained unless directly in the flow of traffic.
- As offered by the Applicant, additional shade trees (maples) shall be planted along the proposed pedestrian walkway to cast additional shade on the parking area.
- As offered by the Applicant, the parking lot shall be sand/hardener covered with bluestone gravel. Parking spaces shall be delineated by low individual curbs.
- As offered by the Applicant, no synthetic fertilizers or pesticides shall be used in maintenance of the landscaped areas.
- As offered by the Applicant, they shall install a leaching pit to provide drainage for rainwater from the south-facing roofs. The natural slope of the parking lot shall drain rainwater to the wooded buffer area along the Meshacket Road.
- As offered by the Applicant, they shall at least offset the additional nitrogen loading from the project, by permanently converting the following areas from synthetic to organic farm management practices. As per the plan (DRI 620 – Areas Committed to Organic Management) that indicates the locations of these areas:
  - The 0.4 acres of land on this property presently used to grow blueberries.
  - An area of 1.0 acre of existing pastureland located on the abutting parcel to the south, which is owned by the Applicant and is in the Edgartown Great Pond watershed.

- As offered by the Applicant, in addition, they shall undertake the following measures to further limit or reduce nitrogen loading in the watershed:
  - Maintain 1.2 acres of existing organic cropland as such.
  - Install a bio-remediation swale or grass filter strip as designed by the Natural Resource Conservation Service to be reviewed by and subject to the approval of the LUPC. The purpose of the swale is to mitigate nitrogen from the compost operation. The design shall include a maintenance plan.
  - Cooperate with the Town of Edgartown and/or the Martha's Vineyard Commission to explore further measures to reduce nitrogen loading in the longer term.
- In the event that the Applicant wishes to convert all or part of the 2 acres of woodland to active cropland, the Applicant shall submit this proposal and associated nitrogen mitigation measures to the review and for the approval of the Land Use Planning Committee.
- The Applicant shall annually certify by letter to the Commission that the fields committed to organic farm management is in fact being so managed.
- As offered by the Applicant, exterior lighting shall consist of one light over the loading dock, one light over the existing Vegetable Barn door, and one light over the customer entrance and exit doors, all shaded to cast light downward and only to be on only when needed for work or foot traffic in each area.
- As offered by the Applicant, additional lights installed under the porch roofs to provide general illumination shall be turned off when the stand is closed.
- As offered by the Applicant, the pedestrian walkway shall have low, bollard-style, downward cast lights to guide foot traffic to and from the parking lot.
- As offered by the Applicant, no additional lights are planned for the parking lot. The existing lights shall be turned off when the stand is closed, and shall be on motion detectors to provide lighting to resident employees after hours.
- As explained by the Applicant, they expect to erect a 55-kilowatt wind turbine in 2010 to provide for 2/3 of their electrical needs (They had already been approved by the Town for the windmill and MVC has no DRI Trigger yet).
- As offered by the Applicant, in the dormitory, they shall remove electric baseboard heat and replace it with gas-fired hot water heat which can later be supplemented with solar panels on their south-facing barn roof.
- As offered by the Applicant, the building shall be sheathed with insulated panels that provide 4 inches of expanded polystyrene foam giving an R-20 rating for walls and 6 inch, R30 panels for roof without the thermal bridging which occurs with conventional framing.
- As offered by the Applicant, they shall not install back-up alarms on farm trucks unless required by law.
- As offered by the Applicant, the applicant shall add to the roadside path previously granted to the M.V. Land Bank along about 1600 ft. of the Meshacket Road so that the path connects to the paved bike path along the W.T. Road.
- As offered by the Applicant, the applicant shall landscape the bicycle entrance and install a new bike rack to provide a direct bicycle connection to the shared-use path on the Edgartown – West Tisbury Road and pedestrian access from the street and nearby bus stop.
- As offered by the Applicant, they shall continue to pay employees a stipend for each day they bike, bus, or.
- As offered by the Applicant, the Applicant shall provide 4 dormitory rooms for employee housing (not including the 6 dormitory rooms that currently house 11 employees) by converting the portion of the farm stand that will be moved from its existing site. The applicant would like to create the employee housing as a second phase to be implemented within five years. If the applicant is not able to create the housing then the applicant would provide the recommended monetary mitigation of \$1,695 with interest to an Island housing entity

## **2. Morning Glory Farm Landscape Plan (DRI 620) - Landscape Plan Approved by LUPC**

On May 24 the Land Use Planning Committee (LUPC) approved the landscape plan for Morning Glory Farm. On May 28, 2010 the Martha's Vineyard Commission issued a Certificate of Compliance for the Morning Glory Farm regarding the Conditions that the MVC DRI 620 Decision required to be reviewed by the MVC Staff prior to the issuance of a Certificate of Occupancy. The MVC DRI 620 Decision says that Conditions 2.1, 2.3, 2.5, 4.1, 4.3, 5.3, 7.1; and 7.2 had to be reviewed by MVC Staff before a Certificate of Occupancy could be issued. The DRI Coordinator inspected the property and found that the cited conditions had been complied with.

### **3. Katama Airfield Hangar (DRI 624)**

**-DRI Approved as Presented**

On July 15, 2010 the Martha's Vineyard Commission approved an application by the Town of Edgartown Airfield Commission for a project located at 12 Mattakeset Way (Map 45 Lot 25 {128 acres}) to replace a 2,650 sf (50' X 53') footprint hangar with a 6,000 sf (60' X 100') footprint hangar at the Katama Airfield as a Development of Regional Impact as presented.

### **4. Wavelengths Buildings (DRI 623)**

**-DRI Approved w/ Conditions**

On November 18, 2010 the Martha's Vineyard Commission approved an application by Jayne Steide and Melissa Montesson for a project located at 223 Upper Main Street in Edgartown (Map 20-A Lot 95 {0.29 acres}) to remove an existing one-story building in the Edgartown B-II Upper Main Street District and replace it with a three-story 4,198 sf mixed-use building and build a new three-story 5,381 sf building with three 2-bedroom residential units in the back of the property as a Development of Regional Impact with conditions.

The project was approved with the following conditions:

- As offered by the Applicant, the three street trees in front on Upper Main Street will remain.
- As offered by the Applicant, the eight mature trees along the southern border with the Melone property (Map 20-A Lot 97.2) will remain. If any of them do not survive the development they will be replaced. One may be moved to another location on the property.
- As offered by the Applicant, an Elm tree will be planted in the island buffer in front of the parallel parking spaces.
- As offered by the Applicant, the final formal landscaping plan will come back for the review and approval of LUPC.
- As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- As offered by the Applicant, exterior lighting on buildings shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion sensitive or on timers to ensure that they are turned off when not needed.
- As offered by the Applicant, the applicant will make a \$10,158 donation to an Island affordable housing organization. This donation will be made prior to the issuing of the Certificate of Occupancy by the Town.
- As offered by the Applicant, the project will be connected to the Edgartown Wastewater Treatment Facility.
- As offered by the Applicant, the final storm water plan with details of design and sizing will return to the LUPC for review and approval.
- As offered by the Applicant, the buildings will be built with high density foam insulation and exceed the Massachusetts Building Code by 20%.
- As offered by the Applicant, the Applicants will grant a dormant easement to abutting properties if the Town of Edgartown or Martha's Vineyard Commission requests access to or through this property.
- The dormant easement going to the Town of Edgartown shall be 14-feet wide running near the back of the property between Map 20-A Lot 93 and Map 20-A Lot 97.2 and shall be recorded in the Registry of Deeds. This easement may be exercised by the Town, in conjunction with similar easements on abutting properties, to provide a back service road running along the rear of the commercial district. The easement shall be recorded before issuance of the Certificate of Occupancy by the Town.
- As offered by the Applicant, should they ever substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration.

### **5. Chasin Estate Plan (DRI 625)**

**-DRI Approved w/ Conditions**

On December 2, 2010 the Martha's Vineyard Commission approved an application by Richard and Laura Chasin for a project located at Quammox and Jeremiah Roads, Chappaquiddick, Edgartown (Map 34 Lot 39; Map 34 Lot 38; Map 47 Lots 81; 99; 101; and Lot 102 {69.3 acres total}) to create a Form A plan which re-divides six parcels with 69.3 acres into 11 lots including one lot for affordable housing and one for Land Bank parking for estate planning purposes as a Development of Regional Impact with conditions.

The project was approved with the following conditions:

- As offered by the Applicant, no use shall be made of any Lot which shall be in conflict with the Town of Edgartown Zoning By-laws, as the same may be amended from time to time, except as the same may be lawful as a nonconforming use or by the granting of special permits or variances.
- As offered by the Applicant, no Lot shall be used except for residential uses. As offered by the Applicant, no noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- As offered by the Applicant, no commercial vehicles having more than two axles or weighing more than 6,000 pounds and no vans or buses in excess of 6,000 pounds gross vehicle weight shall be stored or parked on any Lot. No unregistered or non-operative vehicles shall be parked on any Lot unless the vehicle is garaged.
- As offered by the Applicant, no boat, camper, motor home, private trailer or other recreational vehicle exceeding 28 feet in lengths shall be kept on any Lot. Boats, campers, motor homes, private trailers or other recreational vehicles less than 28 feet in length shall be shielded from view.
- As offered by the Applicant, no Lot shall be used or maintained as a temporary dumping ground for trash and garbage. Trash, garbage and other waste shall not be kept except in sanitary containers and in an enclosed location and not visible from the street or abutting properties.
- As offered by the Applicant, no sign of any kind shall be displayed to the public view on any Lot except (i) one sign of not more than two square feet advertising property for sale or rent, and (ii) political signs in conformity with the applicable zoning by-laws.
- As offered by the Applicant, no tower or antenna aerial shall be built or placed upon a home or any Lot. Satellite dishes in excess of 18" in diameter are prohibited.
- As offered by the Applicant, during the period of building construction, the Lot Owner shall be responsible for keeping the property free from all debris or rubbish and for clearing such debris blown on or otherwise deposited on abutting properties or roadways.
- As offered by the Applicant, there shall be no further subdivision of any Lot within the Subdivision after the date of this Decision that would create any additional buildable lot, notwithstanding that any such further subdivision of additional buildable lots is or may be in the future be permitted by law. Notwithstanding the foregoing, lot lines of the lots may be adjusted provided no additional buildable lots are created. Any Owner may convey a portion of such Owner's Lot to an adjoining Lot Owner, subject to applicable zoning requirements. In the event two or more lots are combined for use as a single lot, such lots shall be treated as one lot except for the annual assessment provided for herein, which shall continue for each original lot as if the lots had not been combined.
- As offered by the Applicant, all Lots shall be part of the Association created by the Common Restrictions that will be recorded with the Subdivision Plan. Lot 3, which is designated an affordable lot in perpetuity under the Town of Edgartown affordable housing guidelines, shall not be subject to assessments by the Association, as long as Lot 3 continues to qualify as an affordable lot under the Edgartown affordable housing guidelines.
- As offered by the Applicant, no building, other than a single, one-family dwelling, a guest house and appurtenant outbuildings, shall be erected, placed or maintained on any Lot. Appurtenant outbuildings may include a garage, shed, tool house, playhouse, boathouse and/or similar structure, and a swimming pool, tennis courts, and/or similar recreational facilities, except as otherwise herein provided.
- As offered by the Applicant, all structures constructed on a Lot subsequent to the date of this Declaration must be built within that Lot's Building Envelope. Septic system leaching components, wells, driveways and utility trenches may be located outside of a Lot's Building Envelope.
- As offered by the Applicant, no above-ground swimming pool, except temporary "kiddie" pools, shall be allowed. In-ground pools are prohibited on Lots 3 and 6. In-ground swimming pools may not exceed a surface area of 800 square feet.
- As offered by the Applicant, tennis courts are prohibited on all Lots, except Lot 8.
- As offered by the Applicant, guest houses on any Lot may contain a maximum of two bedrooms. No principal dwelling on a Lot may contain more than six bedrooms. Notwithstanding anything stated herein to the contrary, guest houses are prohibited on Lots 3 and 6.
- As offered by the Applicant, with the exception of the existing beach access paths located on Lots 7 and 8, individual paths over the coastal bank to gain access to the beach shall be prohibited.
- As offered by the Applicant, on Lots 2, 7, 8, 9 and 10, the footprint of all dwellings constructed subsequent to the date of this Declaration shall not exceed 6,000 square feet. On Lots 1, 4, 5 and 6, the footprint of all dwellings constructed subsequent to the date of this Declaration shall not exceed 5,000 square feet. On Lot 3, the footprint of any dwelling constructed subsequent to the date of this Declaration shall not exceed 3,000 square feet. The calculation of footprint shall be exclusive of garages, porches, decks and patios.
- As offered by the Applicant, managed lawns on each lot shall not extend beyond the Building Envelope. The maximum square footage of a managed lawn on each Lot shall not exceed 5,000 square feet on Lots 1, 3, 4, 5, and 6, and 8,000 square feet on Lots 2, 7, 8, 9 and 10. Notwithstanding the foregoing, the managed lawn, field and open areas that exist as of the date of this Declaration on Lots 4, 5 and 7 may continue to be maintained.

- As offered by the Applicant, piers and/or floating docks of any shape, size, type or configuration are prohibited.
- As offered by the Applicant, only non-invasive plant species may be used for landscape planting.
- As offered by the Applicant, no septic system leaching field may be located within 400 feet of the mean high water mark as shown on the Subdivision Plan and must be designed to include a "drip irrigation" component to reduce nitrogen.
- As offered by the Applicant, asphalt paving is prohibited on all Lots.
- As offered by the Applicant, all fertilizers used in the Subdivision shall be slow-release, water-insoluble, nitrogen types. No synthetic pesticides, including herbicides, fungicides and/or insecticides shall be used.
- As offered by the Applicant, prior to commencing construction on any Lot, the Owner of such Lot must notify the Massachusetts Natural Heritage and Endangered Species Program and obtain any necessary permits and approvals.
- As offered by the Applicant, the lot being donated to an affordable housing group (Lot 3) will be donated at the time of the first conveyance of a lot in this subdivision out of the family (children or grandchildren of Richard and Laura Chasin) or in any event no later than within four years of this Decision. The affordable housing group or its designee will be designated by the owner at the time of the conveyance with conditions that the lot shall be permanently affordable.
- The access road to Lot 8 will be reviewed and approved to the satisfaction of the Edgartown Planning Board.

## ***MVC - DEVELOPMENTS OF REGIONAL IMPACT - Oak Bluffs 2010***

Of the **33** projects the Commission reviewed or were referred in 2010 eight (**8**) were in Oak Bluffs. Of the eight (**8**) projects in Oak Bluffs two (**2**) were full DRI's approved with conditions; zero (**0**) were denied; one (**1**) was withdrawn; one (**1**) was granted an extension; and four (**4**) are still in progress (two of which are on hold).

Referred and/or reviewed in **Oak Bluffs in 2010:**

1	<b>Y.M.C.A. of Martha's Vineyard</b> (DRI 600-M)	-DRI Approved w/ Conditions
2	<b>Nova Vida/Alliance Church Tent</b> (DRI 603-M)	- Modification Withdrawn
3	<b>Muckerheide Community Housing</b> (DRI 615)	- 2 Year Extension Granted
4	<b>Oak Bluffs Fishing Pier</b> (DRI 628)	-DRI Approved w/ Conditions
5	<b>M.V. Hospital Parking Lots</b> (DRI 324-M3)	-DRI In Progress
6	<b>Bradley Square Demolition</b> (DRI 612-M2)	-DRI In Progress
7	<b>Ocean Club Function Hall</b> (DRI 309-M2)	-DRI On Hold
8	<b>Nova Vida Daycare</b> (DRI 603-M2)	-DRI On Hold

### **1. Y.M.C.A. of Martha's Vineyard (DRI 600-M) -DRI Approved w/ Conditions**

On April 15, 2010 the Martha's Vineyard Commission approved an application for a modification to a previously approved DRI (DRI 600) with a public hearing review as a DRI by the Y.M.C.A. of Martha's Vineyard for a project located at 111 Edgartown-Vineyard Haven Road in Oak Bluffs (part of Map 50 Lot 29 {5 of 25.2 acres}) with conditions. The modifications included: a modification of the site plan by adding a walking bridge over the swale between their parking lot and the ice arena; a handicapped accessible playground (50' by 60') in the back; an outdoor basketball court on the future site of the gymnasium; a covered pavilion for the camp; a modification of condition 4.3 of DRI 600 to allow temporary installation of an irrigation system for three years; an amendment of the landscape plan to mitigate for over-cutting that occurred during preparation of the site; and a modification of conditions dealing with wastewater treatment and the means by which they treat pool water.

The project was approved with the following conditions of the original DRI 600 Decision modified by the approval of this proposal:

- Condition 1.1 – The second sentence shall be removed; the wastewater will not be piped back to the High School.
- Condition 4.3 – Temporary irrigation using town water in addition to gray water may be installed for a maximum of three (3) years instead of using solely gray water.
- Condition 14.1 – Instead of Miox to purify the pool water, the YMCA may use a new UV system that has been developed and is superior to Miox or chlorine.

## **2. Nova Vida/Alliance Church Tent (DRI 603-M) - Modification Withdrawn**

On June 17, 2010 the Martha's Vineyard Commission held a public hearing for a proposal to locate a 50' by 50' tent in the front yard of 1 Ryan's Way for the purpose of holding church services three nights a week during the summer with amplified music. The property (Oak Bluffs Map 56 Lot 15.8 {1.44 acres}) was the site of a previous DRI (DRI 603 – Nova Vida Church) that was approved with conditions in 2007. The proposal for the outdoor seasonal services in a tent was withdrawn on Friday June 25, 2010 by e-mail by through their lawyer Rosemarie Haigazian.

## **3. Muckerheide Community Housing (DRI 615) - 2 Year Extension Granted**

On April 9, 2009 the Martha's Vineyard Commission approved with conditions an application for a project by Donald Muckerheide to demolish the existing structure at 114 and 116 Dukes County Avenue in Oak Bluffs (Map 17 lots 22 and 24.1 {0.15 + 0.12 = 0.27 acres total}) and build a single new 12,276 square foot building with twelve two-bedroom residential units. On August 25, 2010 Mr. Muckerheide requested a two-year extension to the project relative to Section 6.3 in the DRI 615 Decision that states that "the Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction". On September 2, 2010 the MVC granted the two year extension. It was noted that Massachusetts enacted Statute 2010, Chapter 240, Section 173 which became effective August 5, 2010 and which granted automatic extensions to certain regulatory approvals, including those of the MVC, for two years. The Section says that approvals in effect between August 15, 2008 and August 15, 2010 shall have two years added to their official end date. Either way the DRI 615 Decision is now valid until as long as they begin substantial construction before April 9, 2013.

## **4. Oak Bluffs Fishing Pier (DRI 628) -DRI Approved w/ Conditions**

On December 2, 2010 the Martha's Vineyard Commission approved with conditions an application for a project by the Town of Oak Bluffs to construct and maintain a pile-supported, ADA-accessible public shore fishing pier (Public Access Facility) located along Sea View Avenue Extension in Oak Bluffs (Map 9 Lot 58).

The project was approved with the following conditions:

- As offered by the Applicants, the Applicants shall construct the pier with greenheart piles, with the pile bents designed with a maximum spacing between bents in order to allow free flow of water and distribution of sediment. The piles will be driven using a barge-mounted crane and hammer. The aluminum handrails will be constructed off-site and delivered by barge or by truck for installation on site. No heavy equipment will be stored or refueled in the resource areas protected by 310 CMR 10.25-10.34. The Contractor shall minimize impacts to coastal resource areas at all times during the proposed work.
- As offered by the Applicants, a fifty foot buffer will separate the farthest seaward extension of the pier and the adjacent eelgrass beds.
- As offered by the Applicants, the handrail will be lowered in several locations to provide fishing access for handicapped individuals in compliance with ADA recommendations.
- As offered by the Applicants, no lighting is proposed on the pier. Reflectors, including radar reflectors, may be installed as necessary for public safety and navigation.
- As offered by the Applicants, the pier will remain open for fishing use 24 hours per day, seven days per week.

- As offered by the Applicants, the use of the pier is restricted to fishing or assisting a dependent fisherman.
- As offered by the Applicants, the Town of Oak Bluffs will enforce the use restriction as needed to keep order. Surveillance equipment may be deployed at the discretion of the Oak Bluffs Police Chief.
- As offered by the Applicants, there will be no tying up of boats at the pier.
- As offered by the Applicants, the pier is not to be provided with amenities such as running water and electricity, but rather is to retain the unadorned quality off the pier as presented.
- As offered by the Applicants and detailed in the *Land Management Agreement*, the Commonwealth of Massachusetts, through its Department of Fish and Game, shall provide for design, permitting and construction of the pier and "The Department shall undertake any repairs, replacement or reconstruction made reasonably necessary by the effect of weather or normal public usage". Day-to-day operation, as detailed in the agreement, will be the responsibility of the Town of Oak Bluffs.

#### **5. M.V. Hospital Parking Lots (DRI 324-M3) -DRI In Progress**

On October 7, 2010 the Martha's Vineyard Commission was referred a proposal from the Oak Bluffs Conservation Commission by the Martha's Vineyard Hospital to create two new parking lots; one at 82 Eastville Avenue (Oak Bluffs Map 7 Lot 2) with 47 parking spaces and one near the helipad with 24 parking spaces (part of Map 7 Lot 1). At the end of 2010 the project is still working its way through the DRI Review process.

#### **6. Bradley Square Demolition (DRI 612-M2) -DRI In Progress**

On December 20, 2010 the Martha's Vineyard Commission was referred a proposal from the Oak Bluffs Historical Commission by the Island Housing Trust to be permitted to demolish a 3,049 square foot historic building at the Bradley Square site located at 96 Dukes County in Oak Bluffs (Map 11 Lot 193 {0.43 acres}). At the end of 2010 the project is still working its way through the DRI Review process.

#### **7. Ocean Club Function Hall (DRI 309-M2) -DRI On Hold at App. Request**

On August 4, 2010 the Martha's Vineyard Commission was referred a proposal from the Oak Bluffs Board of Selectmen by Mark and Mike Wallace to expand an existing 90-seat, 3,200 square foot restaurant to incorporate the entire upstairs (+ 6,400 sf) for functions and a night club in downtown Oak Bluffs with a capacity of 500 located at 9 Oak Bluffs Avenue in Oak Bluffs (Map 9 Lot 43). At the end of 2010 the project is still working its way through the DRI Review process.

#### **8. Nova Vida Daycare (DRI 603-M2) -DRI On Hold**

In October 2010 the Martha's Vineyard Commission notified Sue Burgoyne of Little Learners Childcare that the Written Decision for DRI 603 required her proposal to change the ownership of the operation of a 28-child daycare that was formerly owned and operated by the Martha's Vineyard Hospital at 1 Ryan's Way in Oak Bluffs (Map 56 Lot 15.8 {1.44 acres}) that it required review by the Martha's Vineyard Commission as a modification to Condition 7.d of the DRI 603 Decision. At the end of 2010 the project is still working its way through the DRI Review process.



## **MVC - DEVELOPMENTS OF REGIONAL IMPACT – Tisbury 2010**

Of the **33** projects the Commission reviewed or were referred in 2010 thirteen (**13**) were in Tisbury. Of the thirteen (**13**) projects in Tisbury four (**4**) were full DRI's approved with conditions (three (3) of which were modifications to previously approved DRI's); **0** were denied; two (**2**) were remanded back to the town as a Minor Modification to a previously approved DRI; two (**2**) were Non Concurrences; two (2) were Withdrawn; one (**1**) was granted an Extension; and two (**2**) are still in progress (one of which is on hold).

### Referred and/or reviewed in **Tisbury in 2010:**

- |   |                                 |
|---|---------------------------------|
| 1 <b>Woodland Storage</b> (DRI 39-M6)                   | - Modification Remanded to Town |
| 2 <b>4 Causeway Road Modification</b> (DRI 574-M)       | - Modification Remanded to Town |
| 3 <b>Island Fuel</b> (DRI 566-M2)                       | - DRI Approved w/Conditions     |
| 4 <b>Rickard Retail</b> (DRI 311-M)                     | - DRI Approved w/ Conditions    |
| 5 <b>Little House Café</b> (C.R. 1 – 2010)              | - Non Concurrence               |
| 6 <b>Island Deli Market</b> (C.R. 4 – 2010)             | - Non Concurrence               |
| 7 <b>Beach Road Pizza</b> (DRI 626)                     | - DRI Approved w/ Conditions    |
| 8 <b>Tisbury Market Place New Building</b> (DRI 485-M5) | - DRI Approved w/ Conditions    |
| 9 <b>Tis. Marina/ Blue Canoe Expansion</b> (DRI 408-M)  | - Withdrawn                     |
| 10 <b>Tis. Marina/ Falmouth Ferry</b> (DRI 408-M2)      | - Withdrawn                     |
| 11 <b>Bridge Housing Extension</b> (DRI 560-M)          | - 2 Year Extension Granted      |
| 12 <b>Barnes Gas</b> (DRI 629)                          | - In Progress                   |
| 13 <b>10 State Road</b> (DRI 622)                       | - On Hold                       |

### **1. Woodland Storage (DRI 39-M6) - Modification Remanded to Town**

On Thursday February 18, 2010 the Martha's Vineyard Commission voted that a proposed Modification to DRI 39 to locate nine (9) storage units in the basement of a 5,000 square foot building with 3 retail units (condos) in the back of the Woodland retail complex (Tisbury Map 39 Lot 2.15) was not a significant enough change to DRI 39 to warrant a public hearing as a Development of Regional Impact and voted to approve the modification to DRI 39 and remanded the project to the Building Inspector. The Applicant, Reid (Sam) Dunn, added to his plan that there would be no additional lighting and that he would donate \$1,500 dollars to Habitat for Humanity. The Commissioners discussed some of the concerns that were raised by some of the other tenants of the building such as: the exposure of the HVAC and conduits to the new storage units; whether the proposed elevator would fit in the exterior stairwell; and the impact on the existing sprinkler system; but the Commissioners felt that these are issues that are best addressed by the Building Inspector.

### **2. 4 Causeway Road Modification (DRI 574-M) - Modification Remanded to Town**

On Thursday February 18, 2010 the Martha's Vineyard Commission voted that the proposal to modify Conditions number 2 and 5 in the DRI 574 Decision was not a significant enough change to DRI 574 (4 Causeway Road, Tisbury Map 9 Lot 1 {0.54 acres}) to warrant a public hearing as a Development of Regional Impact and voted to approve the modifications to DRI 574. The Applicant, Martha Sullivan, asked that the line in Condition 2 that reads "The Applicant shall make every effort to rent the residence to a municipal employee such as a teacher" be struck from the Condition. The rest of Condition 2 remains in effect. Secondly she asked that Condition 5, "As offered by the Applicant, trim paint shall be maintained in soft white", be removed. The Commission allowed both modifications to the Conditions of DRI 574.

### **3. Island Fuel (DRI 566-M2)**

### **-DRI Approved w/Conditions**

On March 18, 2010 the Martha's Vineyard Commission approved an application by Jay McMann for a project as a Development of Regional Impact with conditions to locate a fuel company with three trucks at 44 Evelyn Way in Tisbury (Map 22-C Lot 7.1 {0.26 acres}) and install a 10,000 gallon ConVault above ground storage tank with two compartments for Number 2 Heating Oil and Diesel.

The project was approved with the following conditions:

- As offered by the Applicant, every year a loss control consultant from the insurance company shall evaluate their operations and spill prevention program.
- As offered by the Applicant, they shall have spill containment kits on every truck along with oil absorbent pads. Any driver hired shall be trained personally by Jay and will not be allowed to operate any of their vehicles until Jay is satisfied they are fully competent with their equipment and procedures
- As offered by the Applicant, all trucks are equipped with all the latest safety devices. Some of these devices include a brake Interlock system that will not allow the truck to move with any fuel hoses attached, dry disconnects that will not allow fuel to flow without being fully connected and electronic level devices that prevent the truck from being overfilled.
- As offered by the Applicant, at their company location they will have available at all times spill containment equipment, including Oil absorbent pads, speedy dry, with steel waste drum to hold for proper pickup and disposal.
- As offered by the Applicant, no vehicles other than his delivery trucks will be fueled at this site.
- As offered by the Applicant, five red maples and four rhododendrons shall be planted along Evelyn Way to help screen the above ground storage tank.
- As offered by the Applicant, There shall be no additional lighting. All existing exterior lighting shall be downward shielded to prevent direct light from spilling off the property.

### **4. Rickard Retail (DRI 311-M)**

### **-DRI Approved w/ Conditions**

On April 1, 2010 the Martha's Vineyard Commission approved an application for a project as a Development of Regional Impact with conditions to provide a 200 square foot retail section in a 3,200 sf bakery to offer pastries and beverages. The property (114 Cook Street, Tisbury, Map 22C Lot 5 {0.61 acres}) was originally designated a DRI in 1989 when James Rogers applied to build the 2-unit 6,400 square foot building. The MVC approved the proposal at the time with conditions including that the building be restricted to wholesale business. The full Commission voted that the proposed modification was significant and required review as a DRI on Thursday February 18, 2010.

The project was approved with the following conditions:

- As offered by the Applicant, the proposal is for the retail sale of breads and pastries made on site and hot and cold beverages.
- As offered by the Applicant, In the event a professional traffic consultant determines that the use of the Bakery is the cause of increased traffic which negatively impacts the roadway to the extent that remediation of such traffic is necessary for safety of entering and exiting motor vehicles and their passengers, then, the Applicant will, to the extent they are legally permitted to do so, improve the roadway by creating a turnout or other measures to allow for increased traffic, and to minimize the effect of such increase in traffic.
- As offered by the Applicant, signage will abide by all regulations set forth from the Town of Tisbury.
- As offered by the Applicant, exterior lighting on buildings shall be limited to that permitted by code and the Town of Tisbury, and shall be on timers to ensure that they are turned off during the day as well as turned off during the night when the store is closed.
- As offered by the Applicant, recycling bins will be in use and emptied regularly.
- As offered by the Applicant, waste will be picked up on a regular basis and kept in an orderly and clean manner.
- As offered by the Applicant, daily register receipts will be retained by the Applicant and will be presented to the Commission upon request, for the purpose of discussing the level of activity at the premises. It is understood that such receipts will not show the total sales amounts, but rather the volume of sales only.
- As offered by the Applicant, the hours of operation will be 5:00 am to 10:00 pm.

## **5. Little House Café (C.R. 1 – 2010)**

## **- Non Concurrence**

On Thursday July 1, 2010 the Martha's Vineyard Commission decided that the proposal by MCK Group LLC (Merrick Carreiro and Jenik Munafo Khelalfa) to convert an existing building (1,118 sf) from a retail use (antique store) to a 31-seat restaurant at 339 State Road in Tisbury (Map 23-A Lot 21 {0.24 acres}) was not significant enough to warrant a public hearing and voted not to concur that the proposal is a Development of Regional Impact. The project was remanded to the Tisbury Zoning Board of Appeals without a public hearing as a DRI based upon specific representations of the plan including a crucial agreement on mitigating nitrogen loading into the Tashmoo watershed in the form of Conditions on the Certificate of Occupancy on the property that will create an escrow account to fund future mitigation. The owners have agreed to establish an escrow account, the purpose of which is to accumulate fifteen thousand (\$15,000.00) dollars over a period of ten (10) years to pay for the mitigation of nitrogen loading into the Tashmoo Watershed.

## **6. Island Deli Market (C.R. 4 – 2010)**

## **- Non Concurrence**

On Thursday September 2, 2010 the Martha's Vineyard Commission decided that the proposal by Mario Lucio Rodrigues to expand an existing counter-service only restaurant (formerly Wrap and Roll) into an attached space (formerly Medicine Shoppe pharmacy) by adding 26-seats (the proposal also includes an application for a push cart) at 86 Beach Road in Tisbury (the Tisbury Shell Station -Map 9-C Lot 11 {0.91 acres}) was not significant enough to warrant a public hearing and voted not to concur that the proposal is a Development of Regional Impact. The commissioners made this decision based upon the feeling that the proposal in itself was modest. The Applicant is only seeking to add a limited number of seats to an existing food establishment which does not include table service or beer and wine. There was some concern that this seemingly innocuous proposal could open the door to incremental intensity of use on that property in the future. The commissioners also expressed some concern about the overall intensity of use and appearance of the property especially the paucity of landscaping and lack of delineation of parking.

## **7. Beach Road Pizza (DRI 626)**

## **-DRI Approved w/ Conditions**

On September 23, 2010 the Martha's Vineyard Commission approved an application for a proposal by William Craffey as a Development of Regional Impact with conditions to locate a new pizza and sandwich shop in a renovated building located at 45 Beach Road (Map 9 Lot 17) with a Century 21 Office and parking for Budget Rental Car Tisbury Marina, and Blue Canoe Restaurant. The project was referred to the Commission by the Planning Board of Tisbury for action pursuant to the DRI Checklist items: 3.1g (Increased Intensity of Use); 3.1 j (High Traffic generating business); and 3.2e. (Restaurant outside of a B-1); all are Concurrence Reviews. The full Commission voted that the proposal was significant and required a public hearing review as a DRI on August 12, 2010

The Commission approved the project as proposed with the following description:

- The proposal is to locate a new pizza and sandwich shop in a renovated building located at 45 Beach Road with a Century 21 Office and parking for Budget Rental Car the Tisbury Marina and Blue Canoe Restaurant.
- There shall be no seating, just counter service. There shall be no delivery.
- They shall not seek beer and wine permits.
- The project will be connected to the town sewer. They will have two fryolators and a grease trap.
- The lighting shall be minimal as required by code.
- The applicant will sign a ten-year lease pending permitting.
- The rental car will maintain a shed and the rear 20' of the lot with 26 parking spaces, the office will have 3 parking spaces alongside the Art Cliff; the Marina and restaurant located at 56 Beach Road will occupy 14 parking spaces; and; the proposed Pizza will occupy 10 parking spaces on crushed shells.
- The hours of operation shall be 10 am to 10 pm in summer and 11 am to 9 pm winter.

## **8. Tisbury Market Place New Building (DRI 485-M5) -DRI Approved w/ Conditions**

On October 7, 2010 the Martha's Vineyard Commission approved an application for a project by Reid (Sam) Dunn at the Tisbury Market Place (Map 9-B Lot 19.18 and 19.19) as a Development of Regional Impact with conditions to build a new two-story, 5,700 square foot building with one or two retail units, one office, and one apartment at the rear of Tisbury Market Place (partly on the lawn and partly on several current parking spaces) with a 3,780 square foot footprint (including decks). The ground floor is reserved for retail units (2,800 sf) and the second floor would contain one office (1,450 sf) and one apartment (1,450 sf).

The Tisbury Market Place was built in 1984 at a time when the town of Tisbury was not a member of the Martha's Vineyard Commission and therefore the project was not reviewed by the MVC until 1987 with a proposal to expand. In 1987 the Tisbury Market Place first came before the MVC as Ferry Boat Village and was denied an auxiliary building (DRI 253) near to where the current proposal is proposed. In 1990 the complex was granted a division of a second lot (currently the rental car parking lot next to Saltwater). In the ensuing years numerous modifications in the Tisbury Market Place complex have returned for review at the MVC, particularly related to the food establishments.

The new building was approved with the following conditions:

- As offered by the Applicant, runoff from the south-facing roofs and from the rear sand parking lot will be led to a bio-retention filter between the sand parking area and the wetlands to the south. This bio retention filter will be of identical design to three existing filters on the property.
- As offered by the Applicant, runoff from the north-facing roofs will be captured by the green roof system and any excess led to the existing bio retention filter to the north of the building or to the swale under the building.
- As offered by the Applicant, decks and porches surrounding the building will be constructed of untreated wood spaced to allow percolation of rainwater into the soil below the building with over 4" of crushed stone.
- As offered by the Applicant, the building shall be erected on concrete piles. Foam insulation will fill the floor cavity. The bottom of the floor structure will be at FEMA 100-year flood plain elevation of 8 feet above MSL. The area under the structure will be graded into a swale with 4" of crushed stone to receive runoff.
- As offered by the Applicant, the applicant will make a donation to Habitat for Humanity in the amount of \$3,700.
- As offered by the Applicant, the residential condominium unit will be occupied by a year-round occupant who may rent it for periods of time no less than one-month.
- As offered by the Applicant, the building will exceed the Mass. Energy Code by 20% and Energy Star Certified.
- As offered by the Applicant, no new parking will be added.
- As offered by the Applicant, there will be no additional signage on Beach Road in connection with this project.
- As offered by the Applicant, all exterior lighting will be downward shielded and on timers from dusk until 10 p.m.
- As offered by the Applicant, the property will not be leased or sold to any high traffic generation uses, as defined from time to time by MVC, without returning to the Commission for approval.
- As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble, and nitrogen-sourced types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the landscaping.
- As offered by the Applicant, the green roof will be regularly maintained in good condition.
- As offered by the Applicant, the applicant will relinquish any further development rights it holds over Parcels "A" and "B" as shown in the Tisbury Marketplace Condominium Site Plan (see attached S.B.H. Site Plan dated March 9, 2010 marked received at MVC September 28, 2010). For clarification Parcels "A" and "B" are the locations of Saltwater Restaurant and the subject proposal, respectively. The applicant will relinquish any rights to build parking or other facilities in the area bounded by Parcels "A" and "B," the existing parking lot and Lagoon Pond except for boat mooring facilities and access. He shall relinquish this right in a recordable form to the satisfaction of MVC Counsel.
- As offered by the Applicant, the applicant retains building rights to Parcel "C," the area at the confluence of the two main buildings at the Market Place. (See attached sketch noted in 9.1).
- As offered by the Applicant, the applicant will grant, and will use his best efforts to ensure that all other condominium owners' grant, a shared use path easement across the property of the Tisbury Market Place to the Town of Tisbury in accordance with a plan and routing as may be approved by the Tisbury Planning Board. The condominium has already voted unanimously to support this, subject to reviewing a final routing and details.
- As offered by the Applicant, the applicant will assign and mark parking spaces for all Marketplace employees in the rear and side sand parking lots to keep these cars out of the paved customer lot. The condominium already has a policy in place for employees to park in the rear.

- As offered by the Applicant, the applicant will construct a pedestrian passage through the middle of the center island of the parking lot. \* As offered by the Applicant, the applicant will reverse the flow of the parking lot to a clockwise direction, and erect signage to implement this. \* As offered by the Applicant, the applicant will institute a deterrent system to keep scofflaws out of the parking lot. \* Starred items may require majority vote of Tisbury Marketplace Trustees or Owners. In such event the Applicant will actively support these items and use his best efforts to ensure approval. The Applicant shall implement conditions 10.3, 10.4, and 10.5 if he has the ability to do so unilaterally.
- As offered by the Applicant, the Applicant will assign all new ground floor decks and porches of the new building as Common Elements when creating the documents that bring the new building into the condominium.

**9. Tis. Marina/ Blue Canoe Restaurant Expansion (DRI 408-M) - Withdrawn**

On July 26, 2010 the Land Use Planning Committee voted 8-0 to recommend to the full Commission that a proposal to expand the Blue Canoe Restaurant (Tisbury Marina, 52 Beach Road, Map 9-C Lot 8) by adding 30 seats to the existing 50 seat restaurant should be reviewed as a DRI with a public hearing. The proposal was withdrawn on August 30, 2010 by e-mail by through the Tisbury Marina's lawyer, Geoghan Coogan. This project was originally designated as DRI 627 but it was then realized that the property was the subject of an earlier similar review in which the property was referred by the Tisbury Conservation Commission as a DRI (DRI 408), but the referral was the subject of a legal challenge and no further action was taken. Therefore the property is not a DRI but the original number will be retained in order to connect any future referrals to the history.

**10. Tis. Marina/ Ferry to Falmouth (DRI 408-M2) - Withdrawn**

On August 12, 2010 a proposal to run a 40 person capacity seasonal ferry five times a day from Falmouth to the Tisbury Marina (52 Beach Road, Map 9-C Lot 8) was referred by the Tisbury Building Inspector to the MVC for review as a DRI. The Building Inspector was inspecting the property to ascertain whether the property was in compliance with its Special Permit limit of 50 seats in its restaurant. The Building Inspector found that the restaurant was not in compliance with the 50 seat limit and also discovered that the property was running a ferry to Falmouth. The Building Inspector added that he felt the property was saturated with intensity of use. The referral was challenged by the applicants but they ceased operation of the ferry and subsequently withdrew on September 7, 2010 by e-mail through their lawyer Geoghan Coogan, who noted that if/when the Marina re-applies for the service with the Town, that a referral would be made at that time to the MVC if necessary and the process start at that time, which would probably be early spring.

**11. Bridge Housing Extension (DRI 560-M) - 2 Year Extension Granted**

On Thursday November 4, 2010 the Martha's Vineyard Commission voted to extend the "sunset clause" for DRI 560, Bridge Housing (Tisbury Map 53-A, Lot 1) for two years until December 4, 2012. The Martha's Vineyard Commission approved a modification to the originally approved DRI on Thursday December 6, 2007. In 2007 the MVC voted that the changes to Bridge Housing, the result of a legal settlement, were not substantial enough to require a public hearing for further review as a DRI. The original project was approved by the MVC in June 2003 with 15 duplexes and a total of 30 units of housing for low and moderate income families. The project was in litigation from 2004 until 2007. The MVC approved the a modified proposal in 2007 with a revised site plan showing 13 buildings (9 duplexes and 4 single family detached) with 22 units and 49 bedrooms of affordable housing on 8.7 acres in Tisbury off of State Road.

**12. Barnes Gas (DRI 629) - In Progress**

On October 19, 2010 the Tisbury Building Inspector referred a proposal by Trip Barnes to locate a gas/diesel filling station at 392 State Road in Tisbury as a DRI under four items on the DRI Checklist.

The project is scheduled for LUPC on December 20, 2010 to determine if the project is ready to be scheduled for a public hearing.

### **13. 10 State Road (DRI 622)**

**- On Hold**

The Applicant, Joe Grillo, brought a proposal to build a new three-story 5,655 gsf mixed use building and a new two-story 1,152 sf 2-bedroom cottage on a property in the B-1 District behind an existing 1,920 sf building on the same property to the MVC in 2008. The project has been on hold since.

## **MVC - DEVELOPMENTS OF REGIONAL IMPACT - West Tisbury 2010**

Of the **33** projects the Commission reviewed or were referred in 2010 **6** were in West Tisbury. Of the **6** projects in West Tisbury two (**2**) were full DRI's approved with conditions (one of which was a modification to a previously approved DRI and one a previously withdrawn DRI; **0** were denied; two (**2**) were modifications to previous DRI's that were remanded to the town; one (**1**) was a previously approved DRI returning to LUPC for a temporary approval of the landscaping and lighting plan; and one (**1**) DRI that needs a new landscaping plan is still in progress.

Referred and/or reviewed in **West Tisbury in 2010:**

- |   |                                    |
|---|------------------------------------|
| 1 <b>Flat Point Farm Estate Plan</b> (DRI 34-M2)    | - DRI Approved w/ Conditions       |
| 2 <b>Crow Hollow Farm</b> (DRI 341-M)               | - Modification Remanded to Town    |
| 3 <b>J. Ferry add Gallery</b> (DRI 598-M)           | - Modification Remanded to Town    |
| 4 <b>Martha's Vineyard Savings Bank</b> (DRI 454-M) | - Issued Temp. Cert. of Compliance |
| 5 <b>Big Sky Tents Building</b> (DRI 618-M)         | - DRI Approved w/ Conditions       |
| 6 <b>Hart Landscape Mitigation Plan</b> (DRI 549-M) | - In Progress                      |

### **1. Flat Point Farm Estate Plan (DRI 34-M2)**

**-DRI Approved w/ Conditions**

On Thursday January 7, 2010 the Martha's Vineyard Commission approved an application for a proposal by Priscilla Fischer, Arnie Fischer Jr., and Eleanor Fischer as a Development of Regional Impact with conditions to create a preliminary estate plan that would subdivide the remaining 91.6 acres of Flat Point Farm into 2 large conservation parcels (67.8 acres), 5 four-acre lots (around existing buildings), and 3 one-acre (+/-) youth lots. The project was referred to the Commission by the Planning Board of West Tisbury for action pursuant to the DRI Checklist items: 3.102b, 3.203a, and 3.203b, the last two items being mandatory referrals.

The project was approved with the following conditions:

- With respect to wastewater the Applicant must be able to meet the MVC nitrogen loading requirements for Tisbury Great Pond in force at the time of the final subdivision.
- The Applicant, when submitting the final Form A Subdivision Plan, must include the following:
  - Building envelopes on future lots aimed at reducing the impact on existing and potential farming and grazing areas, balanced with minimizing the impact on the pond;
  - A clear indication that there will be no guest houses.
  - Measures to meet the MVC Water Quality Policy in place at that time;
  - A consideration of measures to minimize the blocking of the view of the farm field from the adjacent public access trail;

- A definitive instrument that limits future division.
- The Applicant, when submitting the final Form A Subdivision Plan, may include a relocation and/or reconfiguration of the three homestead lots that seeks to minimize the impact on farmland, such as clustering. The Commission notes that it would be favorable to such a relocation and/or reconfiguration

### **2. Crow Hollow Farm (DRI 341-M) - Modification Remanded to Town**

On Thursday February 18, 2010 the Martha's Vineyard Commission voted that the proposal to create a new 3-acre lot around an existing house at Crow Hollow Farm on the Road to Great Neck in West Tisbury (Map 35 Lot 2 on 3 of 21.2 acres) is not a significant enough change to DRI 341 to warrant a public hearing as a Development of Regional Impact and voted to approve the modification to DRI 341.

The Commissioners considered two key issues, affordable housing and incremental change. The MVC decided that, based on the Planning Board's acceptance of the offer by Kristian Strom and Samantha Look to create a Homesite Lot on their property at Crow Hollow Farm and to give the Town \$40,000 to be used towards a future affordable housing project, they had satisfied the affordable housing condition for the additional division of land at Crow Hollow Farm as required in the original DRI 341 Decision. The Commissioners decided to approve the 8th lot and the Homesite Lot in principle with the knowledge that the Homesite Lot, when proposed, will have to return to the MVC for review and approval. There was some discussion whether the Homesite Lot had to be on-site or if it could be off-site. If the Applicants were to modify their offer before the Homesite Lot returns for review the MVC might be amenable to an off-site location if it is satisfactory to the West Tisbury Planning Board.

### **3. Ferry and Gallery (DRI 598-M) - Modification Remanded to Town**

On April 15, 2010 the Martha's Vineyard Commission voted that the proposal to convert the front building located at 497 State Road (Map 16 Lot 80) into an art gallery rather than a pet groomer's business was not a substantial enough change to DRI 598 to require a public hearing as a DRI.

### **4. Martha's Vineyard Savings Bank (DRI 454-M) - Issued Temp. Cert. of Compliance**

On November 22, 2010 the Land Use Planning Committee (LUPC) issued a provisional Certificate of Compliance in order for the West Tisbury Building Inspector to be able to issue a temporary Certificate of Occupancy to the Martha's Vineyard Savings Bank located at 496 State Road in West Tisbury (DRI 454-M - Map 16 Lot 99 - 1.0 acre). The MVC DRI 454-M Decision requires that the Applicants fulfill Conditions 1.1; 1.2; 2.1; 3.1; 3.2; 4.1; 4.2; 4.3; and 5.1 before a Certificate of Occupancy can be issued. Some of these Conditions (1.1; 3.2; 4.1; and 4.3) have not yet been fulfilled but it would appear that there is a good reason for this. This situation is unique in that the reason for the non-compliance is because of the efforts of the Bank to save the original building for affordable housing. As the Commission understands it the Bank has donated the building to Habitat for Humanity who has a site to relocate it to but is having some delays with the preparation of the site. Therefore the building is still sitting in the back of the property impeding the ability of the Bank to finalize the landscape, lighting, and screening conditions. The LUPC generally likes the landscape and lighting plans but concurs with the West Tisbury Zoning Board of Appeals finding #9 that the

landscaping/screening plan must be agreed to by the interested abutters' to the rear. Once the house is moved the Applicant should walk property with the neighbors to insure that the final screening and planting will be effective. The Commissioners also discussed shielding the bollard lights to prevent light emitting to the rear and filling in a dip in the land to make the screening more effective. Since it was no longer planting season the provisional Certificate of Compliance was set to last for six months (to May 22, 2011) in order to give the Applicants time to move the house, adjust the screening plan, and plant in the spring.

## **5. Big Sky Tents Building (DRI 618-M) -DRI Approved w/ Conditions**

On Thursday December 2, 2010 the Martha's Vineyard Commission approved an application for a proposal by Jim Eddy for a project located at 90 Dr. Fisher Road in West Tisbury (Map 21 Lot 12 - 1.01 acres) as a Development of Regional Impact with conditions to build a 9,600 sf (footprint) building in the West Tisbury Light-Industrial District to house a tent and party rental business.. The project was referred to the Commission by the Zoning Board of Appeals in West Tisbury for action pursuant to the DRI Checklist Section 3.301a, construction of a commercial building of more than 2,000 sf.).

The project was approved with the following conditions:

- As offered by the Applicant, tree and brush removal shall be limited to that which is necessary to construct the structure and install the driveway and parking areas. Buffer screening shall be provided by supplementing the existing vegetation with white pine clusters where needed.
- As offered by the Applicant, a 20-foot buffer along Dr. Fisher and Pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.
- As offered by the Applicant, a general landscape plan has been presented. A detailed plan shall be submitted for final review and is subject to the approval of the MVC Land Use Planning Committee prior to issuance of Certificate of Occupancy ("CO").
- As offered by the Applicant, due to the sensitivity of the abutting residential neighborhood, hours of operation for the proposed facility shall be limited to 7:00 a.m. to 7:00 p.m. every day.
- As offered by the Applicant, exterior lighting on buildings shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion-sensitive or on timers to ensure that they are turned off when the building is closed.
- As offered by the Applicant, all exterior and interior lights, other than those required by code, shall be turned off at close of business.
- As offered by the Applicant, there shall be no flood lighting.
- As offered by the Applicant, the applicant shall make a \$5,000 donation to an Island affordable housing organization prior to issuance of a Certificate of Occupancy by the Town.
- As offered by the Applicant, the applicant shall continue to offer discounts on rentals for affordable housing fundraisers.
- As offered by the Applicant, the Applicant shall not clean dishes, tents, or other rental equipment on this property.
- As offered by the Applicant, the property shall be restricted from any outdoor hanging or drying of tents.
- As offered by the Applicant, the septic system shall consist of a drip dispersal leaching facility. Although not qualified by DEP as an "Enhanced" septic system, the general professional opinions of the system is that it shall provide substantial nitrogen reduction through the utilization of the grass root zone.
- As offered by the Applicant, a grass berm shall be installed around all parking areas to help treat rain runoff prior to infiltration into the ground, the details of which shall be included in the final landscape plan to be submitted for the review and is subject to the approval of LUPC.
- As offered by the Applicant, the applicant shall only use sand hardener to repair potholes and ruts.
- As offered by the Applicant, the applicant shall not build or create any new turnouts.



- As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer.
- As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Building Permit.
- As offered by the Applicant, the north-, east-, and south-facing exterior walls shall be shingled. The fourth side facing the parking area shall be steel siding or shingles.
- As offered by the Applicant, the building will be designed with architectural details such as a cupola, doors, windows, trim work and other details resembling a typical West Tisbury barn, in order to promote a rural/barn façade and to minimize the building's visual impact on the neighborhood.
- As offered by the Applicant, the design shall include windows and/or skylights or translucent panels to reduce energy use by allowing day-lighting of the interior, while minimizing the impact of lighting on abutters.
- As offered by the Applicant, final architectural plans and details shall be submitted for the review and are subject to the approval of the MVC LUPC before a Building Permit is issued.
- As offered by the Applicant, 2,000 S.F. of the proposed structure shall be conditioned space with the remaining 7,600 S.F. being un-conditioned storage space for equipment and materials.
- As offered by the Applicant, the conditioned space shall exceed the requirements of the Massachusetts RES-Check audit by at least 20%.

#### **6. Hart Hardware Landscape Mitigation Plan (DRI 549-M) - In Process**

The project was before the MVC in 2002 but was withdrawn without prejudice. In 2007 the Applicant was approved with conditions by the MVC to change the use of an office building with basement to a combination of plumbing business, hardware store and two apartments (one to be permanently deed restricted to be affordable). The proposal was approved with 18 parking spaces. The Applicant received an extension from the MVC in February 19, 2009 to extend the "sunset clause" by two years. In September 2009 the Applicant was issued a Cease and Desist order and referred to the MVC by the West Tisbury Building Inspector for a violation of the Conditions (cutting trees that were supposed to remain). The LUPC had scheduled the Applicant to present a landscape mitigation plan at the January 24, 2011 meeting but, at the request of the West Tisbury Planning Board, sent him to the West Tisbury Planning Board for joint review by the Town and abutters as had previously been agreed. The landscape mitigation plan is still a work in progress.

Of the **33** projects the Commission reviewed or were referred in 2010 zero (**0**) were in **Aquinnah**.

Of the **33** projects the Commission reviewed or was referred in 2010 one (**1**) was in **Chilmark**.

- |                                     |                   |
|-------------------------------------|-------------------|
| 1 Grey Barn and Farm (C.R. 3 -2010) | - Non-Concurrence |
|-------------------------------------|-------------------|

Of the **33** projects the Commission reviewed or were referred in 2010 five (**5**) were in **Edgartown**.

*Of the five (5) projects in Edgartown four (4) were full DRI's approved with conditions (one in early January 2010); zero (0) were denied; one (1) was a previously approved DRI returning to LUPC for some aspect of their plan to be approved before going forward. Referred and/or reviewed in Edgartown in 2010:*

- |   |                                   |
|---|-----------------------------------|
| 1 Morning Glory Farm Renovation (DRI 620)     | - DRI Approved w/ Conditions      |
| 2 Morning Glory Farm Landscape Plan (DRI 620) | - Landscape Plan Approved by LUPC |
| 3 Wavelengths Buildings (DRI 623)             | - DRI Approved w/ Conditions      |
| 4 Katama Airfield Hangar (DRI 624)            | - DRI Approved as Presented       |
| 5 Chasin Estate Plan (DRI 625)                | - DRI Approved w/ Conditions      |

Of the **33** projects the Commission reviewed or were referred in 2010 eight (**8**) were in **Oak Bluffs**.

*Of the eight (8) projects in Oak Bluffs two (2) were full DRI's approved with conditions; zero (0) were denied; one (1) was withdrawn; one (1) was granted an extension; and four (4) are still in progress. In Oak Bluffs in 2010:*

- |  |                              |
|--|------------------------------|
| 1 Y.M.C.A. of Martha's Vineyard (DRI 600-M)  | - DRI Approved w/ Condition  |
| 2 Nova Vida/Alliance Church Tent (DRI 603-M) | - Modification Withdrawn     |
| 3 Muckerheide Community Housing (DRI 615)    | - 2 Year Extension Granted   |
| 4 Oak Bluffs Fishing Pier (DRI 628)          | - DRI Approved w/ Conditions |
| 5 M.V. Hospital Parking Lots (DRI 324-M3)    | - DRI In Progress            |
| 6 Bradley Square Demolition (DRI 612-M2)     | - DRI In Progress            |
| 7 Ocean Club Function Hall (DRI 309-M2)      | - DRI On Hold                |
| 8 Nova Vida Daycare (DRI 603-M2)             | - DRI On Hold                |

Of the **33** projects the Commission reviewed or were referred in 2010 thirteen (**13**) were in **Tisbury**.

*Of the thirteen (13) projects in Tisbury four (4) were full DRI's approved with conditions (three (3) of which were modifications to previously approved DRI's); 0 were denied; two (2) were remanded back to the town as a Minor Modification to a previously approved DRI; two (2) were Non Concurrences; two (2) were Withdrawn; one (1) was granted an Extension; and two (2) are still in progress (one of which is on hold). In Tisbury in 2010:*

- |  |                                 |
|--|---------------------------------|
| 1 Woodland Storage (DRI 39-M6)                   | - Modification Remanded to Town |
| 2 4 Causeway Road Modification (DRI 574-M)       | - Modification Remanded to Town |
| 3 Island Fuel (DRI 566-M2)                       | - DRI Approved w/Conditions     |
| 4 Rickard Retail (DRI 311-M)                     | - DRI Approved w/ Conditions    |
| 5 Little House Café (C.R. 1 – 2010)              | - Non Concurrence               |
| 6 Island Deli Market (C.R. 4 – 2010)             | - Non Concurrence               |
| 7 Beach Road Pizza (DRI 626)                     | - DRI Approved w/ Conditions    |
| 8 Tisbury Market Place New Building (DRI 485-M5) | - DRI Approved w/ Conditions    |
| 9 Tis. Marina/ Blue Canoe Expansion (DRI 408-M)  | - Withdrawn                     |
| 10 Tis. Marina/ Falmouth Ferry (DRI 408-M2)      | - Withdrawn                     |
| 11 Bridge Housing Extension (DRI 560-M)          | - 2 Year Extension Granted      |
| 12 Barnes Gas (DRI 629)                          | - In Progress                   |
| 13 10 State Road (DRI 622)                       | - On Hold                       |

Of the **33** projects the Commission reviewed or were referred in 2010 six (**6**) were in **West Tisbury**.

*Of the 6 projects in West Tisbury two (2) were full DRI's approved with conditions (one of which was a modification to a previously approved DRI and one a previously withdrawn DRI; 0 were denied; two (2) were modifications to previous DRI's that were remanded to the town; one (1) was a previously approved DRI returning to LUPC for approval of the landscaping and lighting plan; and one (1) needs a new landscaping plan is still in progress. in West Tisbury in 2010:*

- |  |                                    |
|--|------------------------------------|
| 1 Flat Point Farm Estate Plan (DRI 34-M2)    | - DRI Approved w/ Conditions       |
| 2 Crow Hollow Farm (DRI 341-M)               | - Modification Remanded to Town    |
| 3 J. Ferry add Gallery (DRI 598-M)           | - Modification Remanded to Town    |
| 4 Martha's Vineyard Savings Bank (DRI 454-M) | - Issued Temp. Cert. of Compliance |
| 5 Big Sky Tents Building (DRI 618-M)         | - DRI Approved w/ Conditions       |
| 6 Hart Landscape Mitigation Plan (DRI 549-M) | - In Progress                      |